

FILED

July 20, 2019

Clerk, U.S. District Court
District of Montana
Great Falls Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE JOHN DENNY,

Defendant.

CR 13-115-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Bruce John Denny (Denny) has been accused of violating the conditions of his supervised release. Denny admitted all of the alleged violations, except alleged Violation 6. The government did not attempt to prove alleged Violation 6. Denny's supervised release should be revoked. Denny should be placed in custody for 6 months, with 39 months of supervised release to follow.

II. Status

Denny pleaded guilty to Abusive Sexual Contact on May 27, 2014. (Doc. 46). The Court sentenced Denny to a term of custody of 12 months and 1 day, followed by 5 years of supervised release. (Doc. 61). Denny's current term of supervised release began on April 5, 2019. (Doc. 111 at 2).

Petition

The United States Probation Office filed a Petition on June 11, 2019, requesting that the Court revoke Denny's supervised release. (Doc. 111). The Petition alleged that Denny had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by failing to successfully complete sex offender treatment; 3) by using methamphetamine; 4) by failing to report for substance abuse treatment; 5) by failing to follow the instructions of his probation officer; 6) by failing to comply with sex offender registration requirements; and 7) by failing to notify his probation officer of a change in residence. United States District Brian Morris issued a warrant for Denny's arrest on June 11, 2019. (Doc. 112).

Initial appearance

Denny appeared before the undersigned for his initial appearance on June 25, 2019. Denny was represented by counsel. Denny stated that he had read the petition and that he understood the allegations. Denny waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on July 9, 2019. Denny admitted

that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by failing to successfully complete sex offender treatment; 3) by using methamphetamine; 4) by failing to report for substance abuse treatment; 5) by failing to follow the instructions of his probation officer; and 6) by failing to notify his probation officer of a change in residence. The violations are serious and warrant revocation of Denny's supervised release.

Denny's violations are Grade C violations. Denny's criminal history category is I. Denny's underlying offense is a Class E felony. Denny could be incarcerated for up to 12 months. He could be ordered to remain on supervised release for up to 45 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Denny's supervised release should be revoked. Denny should be incarcerated for 6 months, with 39 months of supervised release to follow. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary. Denny should be allowed to file a motion to terminate his supervised release after he has successfully completed his sex offender treatment program.

IV. Conclusion

The Court informed Denny that the above sentence would be recommended to Judge Morris. The Court also informed Denny of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Denny that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Bruce John Denny violated the conditions of his supervised release by failing to report for substance abuse testing, by failing to successfully complete sex offender treatment, by using methamphetamine, by failing to report for substance abuse treatment, by failing to follow the instructions of his probation officer, and by failing to notify his probation officer of a change in residence.

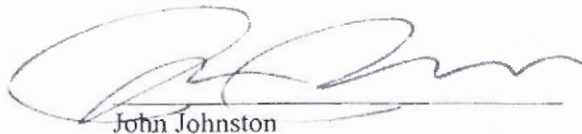
The Court **RECOMMENDS:**

That the District Court revoke Denny's supervised release and commit Denny to the custody of the United States Bureau of Prisons for a term of 6 months, with 39 months of supervised release to follow. Denny should be allowed to file a motion to terminate his supervised release after he has successfully completed his sex offender treatment program.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 10th day of July, 2019.

A handwritten signature in black ink, appearing to read 'John Johnston', is written over a horizontal line.

John Johnston
United States Magistrate Judge